

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 20-38 are pending in the present application; Claims 1-19 are canceled; Claims 13 and 14 were previously withdrawn; and Claims 20-38 are added by the present amendment. Support for the new claims is found in the originally filed specification. Thus, no new matter is added.

In the outstanding Office Action, Claims 3 and 15 were objected to under 37 C.F.R. §1.75(c) for being of improper dependent form; Claim 10 was rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not enabling to one skilled in the relevant art; Claims 2-5, 7, 10, 11 and 15-19 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite; Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Rollins et al. (U.S. Patent 5,340,648); Claims 1-4 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hodgson (U.S. Patent 3,654,835) in view of Yilgor et al. (U.S. Patent 5,389,430); and Claims 5, 7, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hodgson in view of Yilgor et al., and further in view of Clavin (U.S. Patent 4,653,483).

In response to the objection and rejections under 35 U.S.C. §112, first and second paragraphs, Claims 1, 3, 4, 5, 7, 10, and 11 are rewritten, respectively, as new Claims 20, 21, 23, 22, 38, 24, and 27. New Claim 20, for example, recites that the adhesive is applied “at least, at the center of the length of the first and/or second surfaces” while dependent Claim 21 requires adhesive “all over the first and/or second surfaces of the tape member.” In addition the preamble of the independent claims now recite “a double eyelid forming article of manufacture.”

These effective amendments are also believed to find clear support in the original disclosure of the present application. In particular, amended Claim 10 (new Claim 24) is believed to be supported by, for example, Fig. 14 showing the string member 31 with a circular cross section that has an arcuate (half-circle) upper and lower surface.

Therefore, these claims are believed to be in compliance with the requirements of the statutes and the rules. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually agreeable claim language. Claims 2, 15-19 are not rewritten, and therefore are effectively canceled. Accordingly, the objections and rejections of these claims are moot.

Briefly, Claim 1, presently rewritten as new Claim 20, is directed to double eyelid forming article of manufacture for forming a fold on an eyelid of a user, and this article includes a resiliently stretchable elongate tape member and a layer of adhesive. The tape member is adhered onto an eyelid in a stretched state in a longitudinal direction of the tape member to form a double eyelid. The tape member has an adjustable length and has flat first and second surfaces in a cross section perpendicular to the longitudinal direction. Also, the tape member has, along the longitudinal direction, straight side edges. The layer of adhesive is provided on at least one of the flat first and second surfaces of the tape member.

Furthermore, the tape member is comprised of a synthetic resin material which has sufficient resilient stretchability such that even after the tape member is held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid.

Clavin describes a cosmetic tape, but does not teach or suggest “a resiliently stretchable elongate tape member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction to form a double eyelid, the tape member in an unstretched state

having flat first and second surfaces in a cross section perpendicular to the longitudinal direction ... , straight side edges, ... wherein the tape member comprises a single-piece synthetic resin material which has sufficient resilient stretchability such that even after the tape member is held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid,” as rewritten in Claim 20. Clavin discusses a cosmetic tape designed to form a double eyelid by only attaching the tape to the eyelid. As such, the Clavin tape has curved edges along its longitudinal direction. Therefore, the article of Claim 20 is clearly distinguishable from Clavin.

Hodgson is concerned with vapor-permeable adhesive materials. However, Hodgson is not believed to teach or suggest “a resiliently stretchable elongate tape member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction to form a double eyelid, the tape member in an unstretched state having flat first and second surfaces in a cross section perpendicular to the longitudinal direction ... , straight side edges, ... wherein the tape member comprises a single-piece synthetic resin material which has sufficient resilient stretchability such that even after the tape member is held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid” as recited in new Claim 20. Specifically, Hodgson merely describes pressure-sensitive adhesive material for use on animal skin and nails, and does not describe a tape member which has sufficient resilient stretchability such that even after the tape member is held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the tape member allows an amount of recoil back to the

unstretched state of the tape member to form the double eyelid. Hence, Claim 1 rewritten as new Claim 20 is believed to be distinguishable from Hodgson.

Yilgor et al. is directed to vapor-permeable adhesive polymers, but fails to teach or suggest the “resiliently stretchable elongate tape member” as recited in new Claim 20 (rewritten Claim 1). Specifically, Yilgor et al. simply describes adhesive polymers to be used as surgical garments and drapes, and fails to describe a tape member which is comprised of a material having sufficient resilient stretchability such that even after the tape member is held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the tape member allows an amount of recoil back to the unstretched state of the tape member to form the double eyelid. Therefore, the article of new Claim 20 is believed to be distinguishable from Yilgor et al.

Because none of Clavin, Hodgson, or Yilgor et al., alone or in combination, discloses the tape member as recited in new Claim 20 (rewritten Claim 1), none of the combined teachings of these cited references are not believed to render the subject matter recited in new Claim 20 (rewritten Claim 1) obvious.

Therefore, it is respectfully suggested that the rejection of Claims 1, 3, 4, 5, and 7 is not applicable to new Claims 20, 21, and 23, 22, and 38.

Turning now to new Claim 24 (rewritten Claim 10), new Claim 24 is directed to a double eyelid forming article of manufacture, and the article includes a resiliently stretchable string member and a layer of adhesive. The resiliently stretchable string member is adhered onto an eyelid in a stretched state in a longitudinal direction of the string member to form a double eyelid. The resiliently stretchable string member has outwardly arcuate first and second surfaces in a cross section perpendicular to the longitudinal direction. Also, the string member has, along the longitudinal direction, straight side edges in an unstretched state. The layer of adhesive is provided on at least one of the arcuate first and second surfaces of the

string member. Furthermore, the string member is comprised of a synthetic resin material which has sufficient resilient stretchability such that even after the string member held at both longitudinal ends, stretched in the longitudinal direction and adhered to the eyelid, the synthetic resin material of the string member allows an amount of recoil back to the unstretched state of the string member to form the double eyelid.

Rollins et al. is related to a threadlike elastic strand and fails to teach or suggest “a resiliently stretchable string member configured to be adhered onto an eyelid in a stretched state in a longitudinal direction to form a double eyelid, the string member in an unstretched state having outwardly arcuate first and second surfaces in a cross section perpendicular to the longitudinal direction ... , straight side edges of said surfaces extending along the whole longitudinal direction connected to each other..., wherein the string member comprises a single piece synthetic resin material which has sufficient resilient stretchability such that even after the string member held at both longitudinal ends, stretched in the longitudinal direction, and adhered to the eyelid, the synthetic resin material of the string member allows an amount of recoil back to the unstretched state of the string member to form the double eyelid” as recited in new Claim 24. Specifically, Rollins et al. simply describes an elastic strand which has a filament of adhesive helically wrapped thereon and is attached to clothlike materials such as diapers. Thus, the double eyelid forming article of new Claim 24 (rewritten Claim 10) is believed to be clearly distinguishable from Rollins et al.

Therefore, it is respectfully suggested that the rejection applied to Claims 10 and 11 is not applicable to new Claims 24 and 27.

Furthermore, since new Claims 21-23 and 25-28 depend directly or indirectly from either new Claim 20 or new Claim 24, these claims are believed to be allowable as well.

Finally, independent new Claim 28 and claims dependent therefrom, Claims 29-38 are patentably distinguishing over Rollins et al., Yilgor et al., Hodgson, and Clavin for reasons similar to the reasons presented for new Claims 20 and 24, as discussed above.

In view of the amendments and discussions presented above, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Raymond F. Cardillo, Jr.  
Registration No. 40,440